

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

CHINESE PROGRESSIVE ASSOCIATION,  
CHINATOWN RESIDENT ASSOCIATION,  
CITY LIFE / VIDA URBANA, SIU TSANG,  
FUNG YUNG, YAN HUI, MARIA ALTRECHE,

Proposed Plaintiff-Intervenors

v.

CITY OF BOSTON, MASSACHUSETTS; THOMAS M.  
MENINO, in his official capacity as  
Mayor of the City of Boston;  
BOSTON CITY COUNCIL: MICHAEL F.  
FLAHERTY, PAUL J. SCAPICCHIO, JAMES M.  
KELLY, MAUREEN E. FEENEY, CHARLES C.  
YANCEY, ROB CONSALVO, JOHN TOBIN, CHUCK  
TURNER, MICHAEL P. ROSS, JERRY P.  
MCDERMOTT, FELIX D. ARROYO, MAURA  
HENNIGAN, STEPHEN J. MURPHY; BOSTON  
ELECTION DEPARTMENT; GERALDINE CUDDYER,  
in her official capacity as Chair of  
the Boston Election Department,

Defendants.

CIVIL ACTION No.  
05-11598WGY

MOTION TO  
INTERVENE

THREE-JUDGE COURT  
WGY, SL, PS

**MOTION TO INTERVENE AS PLAINTIFFS**

Chinese Progressive Association, Chinatown Resident Association, City Life / Vida Urbana, Siu Tsang, Fung Yung, Yan Hui, and Maria Altreche (hereinafter "Asian American and Latino Intervenors") hereby move this Court, pursuant to Rule 24(b) of the Federal Rules of Civil Procedure, for leave to intervene by permission as plaintiffs herein, and to file the attached Complaint-in-Intervention with this Court on the grounds that:

1. The Asian American and Latino Intervenors have direct and substantial interests in the matters which are the subject of this action. As set forth in their declarations, the Asian American and Latino Intervenors include limited English proficient registered voters who reside in the City of Boston ("City" or "Boston"). They desire to participate effectively in the electoral process and to have the Voting Rights Act of 1965 fully and faithfully enforced. They also include nonpartisan, community-based, membership organizations located in Boston. For many years, these organizations have promoted the involvement of limited English proficient citizens in the electoral process and provided services to limited English proficient citizens. They desire to protect the rights of their constituents under the Voting Rights Act of 1965.

2. Plaintiff's lawsuit seeks to compel Defendants to comply with the Voting Rights Act of 1965. The Asian American and Latino Intervenors believe that their rights under the Voting Rights Act have been violated and will continue to be violated in the absence of an order compelling Defendants to comply with the Voting Rights Act.

3. The disposition of this action may as a practical matter determine their rights as voters to participate effectively in electoral processes.

4. The arguments to be asserted by the Asian American and Latino Intervenors to compel Defendants' compliance with the Voting Rights Act will not only be directly related to questions of law and fact in this action, but also will add to the ability of the Court to adjudicate the actions fully and fairly.

5. Intervention by the Asian American and Latino Intervenors in this action is timely and will neither delay its disposition nor prejudice any of the existing parties.

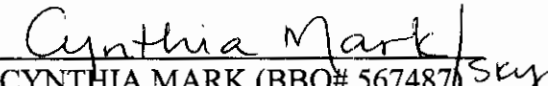
6. In support of this motion, the Asian American and Latino Intervenors rely on the following simultaneously-filed documents: the Memorandum of Law in Support of Asian

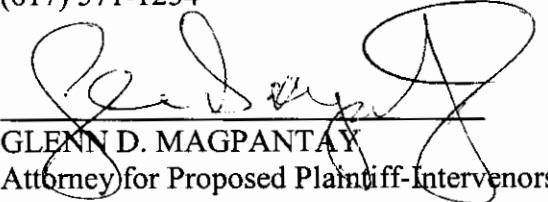
American and Latinos' Motion to Intervene as Plaintiffs; the Declaration of Lydia Lowe; the Declaration of Henry Yee; the Declaration of Juan Leyton; the Declaration of Siu Tsang; the Declaration of Fung Yung; the Declaration of Yan Hui; and the Declaration of Maria Altreche.

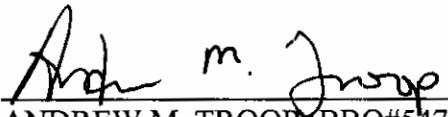
WHEREFORE, the Asian American and Latino Intervenors request that the Court permit them to intervene in this action pursuant to Rule 24(b) of the Federal Rules of Civil Procedure, and grant them such other relief as is just.

Date: September 9, 2005

RESPECTFULLY SUBMITTED,

  
CYNTHIA MARK (BBO# 567487) *sky*  
Attorney for Proposed Plaintiff-Intervenors  
Attorney  
Greater Boston Legal Services  
197 Friend Street  
Boston, Massachusetts 02114  
(617) 371-1234

  
GLENN D. MAGPANTAY  
Attorney for Proposed Plaintiff-Intervenors  
Staff Attorney  
Asian American Legal Defense and Education Fund  
99 Hudson Street, 12th floor  
New York, New York 10013-2815  
(212) 966-5932

  
ANDREW M. TROOP (BBO#547179)  
CHRISTOPHER R. MIRICK (BBO#639683)  
ARTHUR R. CORMIER (BBO#645116)  
Attorney for Proposed Plaintiff-Intervenors  
Weil, Gotshal & Manges LLP  
100 Federal Street, 34th Floor  
Boston, MA 02110  
Telephone: (617) 772-8300  
Facsimile: (617) 772-8333